

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MONSANTO COMPANY and	)	
MONSANTO TECHNOLOGY LLC,	)	
	)	
Plaintiffs/Counterclaim-Defendants,	)	
	)	
vs.	)	
	)	
E.I. DUPONT DE NEMOURS AND	)	Case No. 4:09-cv-00686-ERW
COMPANY and	)	
PIONEER HI-BRED INTERNATIONAL,	)	
INC.,	)	
	)	
Defendants/Counterclaim-Plaintiffs.	)	

**JOINT MOTION  
TO AMEND THE DEADLINES FOR FACT DISCOVERY RELATED TO THE  
ANTITRUST COUNTERCLAIMS AND FOR THE PRODUCTION OF  
DOCUMENTS FROM THE SUPPLEMENTAL CUSTODIANS**

Defendants/Counterclaim-Plaintiffs E.I. du Pont de Nemours and Co. and Pioneer Hi-Bred International, Inc. and Plaintiffs/Counterclaim-Defendants Monsanto Company and Monsanto Technology LLC hereby respectfully request that the Court amend the fact discovery deadlines contained in Paragraph I.1 of the Court's Case Management Order – Antitrust Counterclaims ("CMO") (Dkt. # 421) and at page 3 of the Court's March 30, 2011 Memorandum and Order (Dkt. # 681) as follows:

	<b>Present Deadline</b>	<b>New Stipulated Deadline</b>
Production of Documents from Supplemental Custodians	May 9, 2011	June 3, 2011 <sup>1</sup>
Close of Fact Discovery Relating to the Non-Stayed Antitrust Allegations	May 27, 2011	November 11, 2011

<sup>1</sup> Monsanto has indicated that there are a substantial number of documents to be reviewed for the five supplemental custodians designated by DuPont. The June 3, 2011 date was agreed to with the understanding that Monsanto may need to request additional time to complete the supplemental production. That additional time, however, should not impact the revised Close of Fact Discovery Relating to the Non-Stayed Antitrust Allegations.

The purpose of the extended deadline is to allow the parties to complete the production of documents from the supplemental custodians provided for in the ESI Protocol prior to the continuation of depositions in the antitrust portion of the case. The limitations on the number of facts depositions and hours for Rule 30(b)(6) depositions remain unchanged.

All other deadlines set forth in the CMO governing the antitrust counterclaims remain the same, and the current deadlines in the CMO governing the patent and contract claims are now under review by the Court. The parties may, at a later time, seek further modification of the other deadlines in the CMO governing the antitrust counterclaims after the Court amends the deadlines in the CMO governing the patent and contract claims.

Respectfully submitted this 9th day of May, 2011.

**HUSCH BLACKWELL SANDERS, LLP**

By: /s/ Greg G. Gutzler  
(signed by filing counsel with permission)  
Joseph P. Conran, #21635MO  
Omri E. Praiss, #41850MO  
Greg G. Gutzler, #48893MO  
Tamara M. Spicer, #54037MO  
190 Carondelet Plaza, Suite 600  
St. Louis, MO 63105-3441

Dan K. Webb  
George C. Lombardi  
Todd J. Ehlman  
James M. Hilmert  
**WINSTON & STRAWN LLP**  
35 W. Wacker Drive, Suite 4200  
Chicago, IL 60601

John J. Rosenthal  
Matthew A. Campbell  
Jovial Wong  
**WINSTON & STRAWN LLP**  
1700 K Street, N.W.  
Washington, DC 20006

Steven G. Spears  
Scott W. Clark  
**McDERMOTT WILL & EMERY**  
1000 Louisiana Street, Suite 3900  
Houston, TX 77002-5005

*Counsel for Plaintiffs Monsanto Company  
and Monsanto Technology LLC*

**LEWIS RICE FINGERSH, L.C.**

By: /s/ C. David Goerisch  
Andrew Rothschild, #23145MO  
C. David Goerisch, #48418MO  
600 Washington Avenue, Suite 2500  
St. Louis, Missouri 63101

Leora Ben-Ami  
Thomas F. Fleming  
Christopher T. Jagoe  
Howard S. Suh  
**KAYE SCHOLER LLP**  
425 Park Avenue  
New York, New York 10022

Donald L. Flexner  
**BOIES, SCHILLER & FLEXNER LLP**  
575 Lexington Avenue, 7th Fl.  
New York, New York 10022

James P. Denvir  
Amy J. Mauser  
**BOIES, SCHILLER & FLEXNER LLP**  
5301 Wisconsin Avenue, N.W.  
Washington, D.C. 20015

*Counsel for Defendants E.I. du Pont de  
Nemours and Company and Pioneer Hi-Bred  
International, Inc.*